

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
IN THE MATTER OF: )  
COMPLAINT C2011-076 )  
State Ethics Commission, )  
Complainant; )  
vs. )  
Edward B. Haney, )  
Respondent. )

BEFORE THE STATE ETHICS COMMISSION

STATE ETHICS  
COMMISSION

2011 JUL 32 AM 10:41

RECEIVED

DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on April 27, 2011. On July 20, 2011, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2010) the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Edward B. Haney, with a violation of Section 8-13-1308(F).

Present at the meeting were Commission Members E. Kay Biermann Brohl, Acting Chair, Edward E. Duryea, Priscilla L. Tanner, , JB Holeman, George Carlton Manly, Jonathan H. Burnett and Richard H. Fitzgerald. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff. The Commission found probable cause to warrant an evidentiary hearing.

### **STATEMENT OF FACTS**

1. The Respondent, Edward B. Haney, was a candidate for Town of Elgin Mayor in an election held on February 1, 2011.

2. On or about January 13, 2011, Respondent received an in-kind contribution from *The Elgin News* through its editor, Fred Davidson in the form of a political ad titled, "Why I Am A Candidate for Elgin Mayor".

3. Respondent filed an initial campaign disclosure report on January 13, 2011 and amended reports on February 13, March 7 and April 6, 2011; however, no disclosure of the in-kind contribution was made.

4. Respondent advised that the in-kind contribution was intended to be a news article not a campaign advertisement. Respondent stated he could not remember if he approached Mr. Davidson to run the article or if Mr. Davidson approached him. Respondent did eventually purchase a campaign advertisement from the newspaper. Respondent immediately amended his campaign disclosure form to show a \$300.00 in-kind contribution from the Elgin News.

#### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Edward B. Haney, was a candidate as defined by Section 8-13-1300(4).

2. The State Ethics Commission has personal and subject matter jurisdiction.

3. Section 8-13-1308(F) provides that all contributions and expenditures to a candidate, to include in-kind contributions and expenditures, must be disclosed on the campaign disclosure form.

4. Section 8-13-320(10)(i) provides in part:

(10) to conduct its investigation, inquiries, and hearings in this manner:

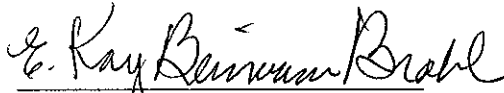
(i) . . . .If the Commission finds probable cause to believe that a violation of this chapter has occurred, the Commission may waive further proceedings if the respondent takes action to remedy or correct the alleged violation.

**DECISION**

Based upon the evidence presented and the amendment of the campaign disclosure form, the State Ethics Commission has determined that the Respondent, Edward B. Haney, has complied with the disclosure requirements of the Ethics Reform Act of 1991. THEREFORE, in accordance with Section 8-13-320(10)(i), and the rules and regulations promulgated thereunder, the State Ethics Commission waives further proceedings.

IT IS SO ORDERED THIS 29<sup>th</sup> DAY OF July, 2011.

STATE ETHICS COMMISSION

  
E. KAY BIERMANN BROHL  
CHAIRMAN

COLUMBIA, SOUTH CAROLINA